

J. W. Bush, L. J. Goree and B. W. Walker, to be directors of the penitentiary.

Respectfully,

RICHARD COKE, Governor.

The petition of J. C. Hingsworth, "asking pay for services rendered in the Twelfth Legislature," together with the report of committee thereon, that said petition be not granted, was read second time, report of the committee adopted, and petition, therefore, not granted.

(Senator Dillard in the chair.)

Senate bill No. 91, "An act for the relief of the purchasers of the university lands, and to validate the patents heretofore issued," was read third time and passed.

Senate bill No. 6, "An act regulating the sale of homesteads," was read second time and ordered engrossed.

(Mr. President in the chair.)

Senator Friend moved to suspend the rules to take up Senate bill No. 180, "An act to validate certain agreements filed in the office of the Secretary of State, in accordance with the requirements of 'An act concerning private corporations,' approved December 2, 1871. Rules suspended, bill taken up, read, and ordered engrossed.

On motion of Senator Friend, the rules were further suspended, bill read third time and passed.

Senate bill No. 26, "An act to amend 'An act creating two counties out of the territory of Refugio county,'" was taken up, read second time, and also report of committee, that bill do not pass. The report of committee adopted and bill lost.

The memorial of John H. Brown, "asking that the Legislature grant him relief by the donation of land, etc.," and the report of the Committee on State Affairs, that said petition be not granted, was taken up and read second time. The report of the committee was adopted, and petition not granted.

Senate bill No. 31, "An act to amend the fourth section of 'An act better defining the marital rights of parties,'" passed March 13, 1873, was read second time and, on motion of Senator Dillard, the bill was made special order for Thursday next at 11 A. M., and one hundred copies of bill and report of committee ordered printed.

On motion of Senator Randle, the Senate adjourned to 10 A. M. Monday.

FOURTY-FIFTH DAY.

SENATE CHAMBER, (

AUSTIN, March 9, 1874. (

Senate met pursuant to adjournment. Roll called, quorum present.

Prayer by Rev. Richard Burleson, of Waco.

The journal of yesterday was read and adopted.

Senator Erath presented a petition from citizens of Waco, "asking change of chartered limits of the city of Waco." Read and referred to Committee on State Affairs.

Senator Davenport presented a petition from citizens of Bell county in regard to the relief of W. J. Long, sheriff of Bell county. Read and referred to Judiciary Committee.

Senator Randle, chairman Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 239, "An act to fix the *per diem* and mileage of witnesses summoned in cases of address or impeachment against the judges of the Twenty-second, Twenty-fourth and Twenty-fifth Judicial Districts;" also, Senate bill No. 189, "An act to authorize justices of the peace to employ assistant assessors in certain cases;" also, Senate bill No. 6, "An act to regulate the sale of the homestead;" also, Senate bill No. 180, "An act to validate certain agreements, filed in the office of the Secretary of State, in accordance with the requirements of 'An act concerning private corporations,'" approved December 2, 1871; also, Senate bill No. 192, "An act to validate assessments made by assistant assessors," and find each and every one of them correctly engrossed.

ED. RANDLE, Chairman.

The hour having arrived for a session of the Court of Impeachment, the Senate went into said court.

IN COURT.

The sergeant-at-arms made the usual proclamation.

The secretary was instructed by the President to inform the House, board of managers and respondent, that the Senate is now sitting as a court, and to invite them in.

The secretary returned and informed the President that his instructions had been obeyed.

The board of managers and respondent appeared within the bar of the court.

On motion of Senator Wood, the further consideration of the case of Judge Chambers, was postponed until Friday next, at 11 A. M.

On motion of Senator Planagan the court adjourned to 11 A. M. on Friday next.

IN SENATE.

Senator Wood submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Retrenchment and Reform, to whom was submitted a resolution to inquire into the propriety of reducing the number of employees of the Senate, have

carefully informed themselves as to the amount of work to be done, and the clerical and other force necessary to perform the same, and your committee unanimously instruct me to make the following report, and earnestly recommend its adoption by the Senate:

First. That in the engrossing department the service of F. M. Lewis be dispensed with, there being no necessity for an assistant in that department, as the committee clerks are perfectly competent to render the engrossing clerk any assistance he may need.

Second. That all the committee clerks be discharged, with the exception of R. W. Thomas, clerk of State affairs and other committees, and Paul McCombs, clerk of Committee on Judiciary.

Third. That the chairmen of the various addresses and impeachment committees be required to discharge their clerks as soon as they can dispense with their services.

Fourth. That the President of the Senate be requested to discharge all of the pages but two. W. D. WOOD, Chairman.

Senator Wood also submitted the following accompanying resolution:

1. *Resolved by the Senate*, That from and after this date, all of the clerks in the employ of the standing committees of the Senate be discharged, except the clerk of the Judiciary Committee and the clerk of the Committee on State Affairs, and that the clerk of the Committee on State Affairs shall be subject to the orders of the President of the Senate, to perform any labor required by any of the standing committees of the Senate, or to assist in the engrossment or enrolling of bills when necessary.

2. *Resolved*, That the President of the Senate be requested to discharge F. M. Lewis, who is now assisting the engrossing clerk.

3. *Resolved*, That the clerks on the several address committees be discharged, so soon as the evidence in each case is completed and properly prepared for the printer.

4. *Resolved*, That the President of the Senate be requested to discharge all of the pages but two.

Read and laid over under the rules.

Reports from the Committee on Agriculture:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Agriculture, to whom was referred House bill No. 140, "An act to punish the taking or destruction of certain products of the farm, garden, vineyard and orchards of this State," have had the same under consideration and have instructed me to report the same back, and recommend that the same do pass.

PARKER, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Agriculture, to whom was referred House bill No. 157, "An Act

to protect carpenters, mechanics, artisans and other workmen," have had the same under consideration, and have instructed me to report the same back, with the following amendment, and recommend that the bill, as amended, do pass:

Strike out the word "shall" at the end of the fourteenth line, in section one, and insert the word may."

PARKER, Chairman.

Senator Ball, chairman Committee on Indian Affairs and Frontier Protection, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your committee, to whom was referred Senate bill No. 67, "An Act to provide for the protection of the frontier of the State of Texas;" and also, Senate bill, No. 139, "An act to protect the frontier of the State of Texas;" also, Senate bill, No. 193, "An act for frontier protection, and for the organization of a cavalry force for that purpose," have had all of said bills under consideration for some time, and I am instructed to report them back, and recommend that they do not pass.

A. J. BALL, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Indian affairs and Frontier Protection, to whom was referred House bill, No. 128, "An act to provide for the protection of the frontier of the State of Texas, against the invasion of hostile Indians, Mexicans, or other marauding or thieving parties," have had the same under consideration, and have instructed me to report the same back, with accompanying amendments, and recommend that the same do pass.

A. J. BALL, Chairman.

Senator Stirman, chairman of Committee on State Affairs, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 241, "An act to amend the fifth section of 'An act to incorporate the city of Hearne,'" have carefully examined and considered the same, and instruct me to report it back, with the recommendation that it do pass.

W. B. STIRMAN, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate joint resolution No. 237, "to authorize the Adjutant General to employ a clerk to collect public records," have carefully examined the same, and your committee are of opinion that this is a meritorious resolution, and one that should address itself to the future Legislatures of Texas, but on account of the present financial condition of the State, your committee instruct me to report it back, with the recommendation that it do not pass.

W. B. STIRMAN, Chairman.

Report from the Committee on Claims and Accounts:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Claims and Accounts have had under consideration the memorial of Wesley Askins, of Lamar county, asking pay for supplies furnished the Republic of Texas, and find that the claim is cut off by the constitutional amendment. They, therefore report against the payment of the claim, and ask to be discharged from its further consideration.

W. H. SWIFT, Chairman.

Report from the Committee on Militia:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Militia, to whom was referred House bill No. 113, "An act making an appropriation to defray the traveling and other contingent expenses of the Adjutant General in collecting the State arms," have had the same under consideration and recommend that it do pass.

J. E. DILLARD, for Committee.

Senator Ball presented the following resignation of the enrolling clerk:

STATE CAPITOL, March 10, 1874.

Captain Bell—Please announce to the Chair of the Senate that the office of enrolling clerk of the Senate is vacant from this day.

Respectfully, M. M. CLACK.

The vote was taken whether the resignation should be accepted, and it was accepted.

Senator Hobby offered the following resolution:

Resolved, That the Senate proceed immediately to elect an enrolling clerk to fill the vacancy now existing in that office.

Senator Dwyer moved to postpone the election until 10 A. M. to-morrow. Lost.

The resolution offered by Senator Hobby was then adopted.

The President announced that nominations were now in order.

Senator Westfall nominated H. C. Surghnor.

Senator Dwyer nominated Robert Russell.

Senators Erath and Hobby were appointed tellers.

The vote was taken—Mr. Surghnor receiving nineteen votes, and Mr. Russell five votes.

Mr. Surghnor having received a majority of all the votes cast, he was declared by the President to have been duly elected enrolling clerk of the Senate.

Mr. Surghnor was then sworn in.

On motion of Senator Parker, the Senate went into executive session to consider the message of the Governor, which was sent in on Saturday last.

IN SENATE.

The Secretary was instructed to inform his Excellency, the Governor, that the Senate does advise and consent to the ap-

pointment of the following officers: J. W. Bush, T. J. Gorce and B. W. Walker, to be directors of the penitentiary; also, to the confirmation of the following notaries public: John Long, G. D. Dally and Silas McCrary, of Bowie county; and W. R. Chew, of Marion county.

A message from the House announced the passage of the following bills:

House bill, No. 121, "An act authorizing the County Court of Galveston county to issue and provide for the payment of bonds to be used in erecting suitable buildings for the Supreme Court; Senate bill No. 239, "An act to fix the *per diem* and mileage of witnesses, summoned in cases of address or impeachment against the judges of the Twenty-second, Twenty-fourth and Twenty-fifth Judicial Districts; Also, the passage of a joint resolution, "that a special joint committee of five from the House and three from the Senate be appointed, to take into consideration the question of an appropriation of one thousand dollars to erect a monument to Gen. Sam Houston. Also, announcing that the House had appointed, as said committee, Messrs. Von Biberstein, Manning, Watts, De Morse and Rainey.

Senator Wood introduced a bill, entitled "An act to authorize the several county courts of this State to fill vacancies in the office of school directors, and to validate appointments to fill such vacancies heretofore made." Read first time and referred to Committee on Education.

Senator Wood introduced a bill, entitled "An act to organize the courts of peace officers, and to define their jurisdiction and duties." Read first time and referred to Judiciary Committee.

Senator Moore introduced a bill entitled "An act to amend sections one and four of an act entitled 'An act to establish, organize and define the powers of the criminal district court in and for the cities of Dallas, McKinney and Sherman,'" passed June 4, 1873. Read first time and referred to Judiciary Committee.

Senator Ledbetter introduced a bill entitled "An act to authorize the justice of the peace in and for Precinct No. 3, in Fayette county, to hold sessions of his court alternately in each month, at the towns of Winchester and Round Top." Read first time and referred to Judiciary Committee.

Senator Burton introduced a bill entitled "An act to authorize the judge of the Twenty-first Judicial District to hold a special term of the District Court of Fort Bend county." Read first time and referred to Judiciary Committee.

Senator Hobby asked that Senator Russell be excused for the day, on account of sickness. Granted.

Senator Hobby introduced a bill, entitled "An act to amend article 575 of 'An act to establish a code of criminal procedure for the State of Texas,'" approved August 26, 1850. Read first time and referred to Judiciary Committee.

A message was received from the House, announcing the passage of Senate bill No. 59, "An act to authorize and allow the several county courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county; and to provide funds to defray the expense of the same," with amendments by the House.

On motion of Senator Westfall, the rules were suspended to take up House bill No. 4, "An act to fix the venue in certain cases." Bill taken up and the amendments of the committee concurred in.

Senator Baker offered the following amendment: Erase all of the first section after the words "subject matter," and insert "and any foreign corporation can be sued in any county where the cause of action accrued, or where such corporation has an agency or representative." Lost.

The bill was then read second time and passed to third reading.

Senator Westfall moved to suspend the rules to put the bill on its third reading. Lost.

By leave, Senator Wood introduced a bill entitled "An act to define and punish certain offenses committed on the public highways, and within the limits of the unincorporated villages and towns of this State, and other public places." Read first time and referred to Judiciary Committee.

The President announced that he would appoint Senators Hobby, Bradley and Ledbetter, to act with the House committee, under the House "joint resolution to take into consideration the question of an appropriation of one thousand dollars to erect a monument to Gen. Sam Houston."

House bill No. 128, "An act to provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans, or other marauding or thieving parties," was taken up, as also the amendments proposed by the committee.

(Senator Hobby in the chair.)

Senator Wood submitted a substitute for the original bill.

The title of the substitute is, "An act to provide for the protection of the frontier."

(Mr. President in the chair.)

On motion of Senator Flanagan, the Senate adjourned to 10 A. M. to-morrow.

FORTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, March 10, 1874. }

Senate met pursuant to adjournment; roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Wood asked a further leave of absence until to-morrow, for Senator Ireland. Granted.

On motion of Senator Dwyer, Senator Randle was excused until Thursday morning next.

A message was received from the House, announcing the passage of the following bills: House bill No. 92, "An act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof." House bill No. 213, "An act relating to the headright claim of Louis Rosseau, to 820 acres of land."

Report from the Committee on Land Office:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Land Office, to whom was referred Senate bill No. 235, "An act to amend an act to authorize the cancellation of patents in certain cases," approved February 8, 1854, have considered the same and instruct me to report it back with the recommendation that it do not pass.

BRADLEY, Chairman.

Report from Committee on Roads, Bridges and Ferries:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 232, "An act to authorize the county courts of the several counties in this State to build bridges and causeways, and to keep up and improve bridges, causeways and public roads, have had the same under consideration, and instruct me to report the same back with the accompanying amendment, and recommend that the bill, as amended, do pass.

W. R. FRIEND, Chairman.

Amend section three by striking out lines one, two and three, and inserting instead thereof the words "said county courts shall, at the second session thereof, after the passage of this act, and every twelve months thereafter, divide their counties into as many road precincts as the public convenience may require; and shall, at such sessions, appoint a road overseer."

Report from Committee on Land Office:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Land Office, to whom was referred Senate bill No. 103, "An act authorizing the compilation of a complete alphabetical abstract of all the patented and located lands in the State," having had